



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,094	11/05/2003	Robert P. Madill JR.	5053-64100	6815
35690 7590 01/25/2008 MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. P.O. BOX 398 AUSTIN, TX 78767-0398				
EXAMINER WINTER, JOHN M				
ART UNIT 3621		PAPER NUMBER		
MAIL DATE 01/25/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/702,094

**Applicant(s)**

MADILL ET AL.

**Examiner**

JOHN M. WINTER

**Art Unit**

3621

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 66, 67, 69- 83, 101, 134 and 159-163 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 66, 67, 69- 83, 101, 134 and 159-163 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Acknowledgements***

The Applicants amendment filed on October 30, 2007 is hereby acknowledged, Claims 66,67, 69- 83,101, 134 and 159-163 remain pending .

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 30, 2007 has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 66,67, 69- 83,101, 134 and 159-163 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torres et al., (US Patent Application No 2005/0043961) and further in view of Pendleton, Jr. (US Patent 6,253,186), and further in view of Suresh et al. (US Patent 7,263,492)

As per claim 66,

Torres et al. ('961) discloses a method, comprising:

providing at least two fraud potential indicators for at least one request; (paragraph 21)

A first fraud potential indicator assessed using a first fraud potential detection technique and a second fraud potential indicator is assessed using a second fraud potential detection technique, wherein the first fraud potential technique is different from the second fraud potential detection technique. (paragraph 23)

displaying a score or rank for at least the first and second fraud potential indicators in a graphical user interface. (Figure 7)

determining a combined or weighted fraud potential indicator that is based on at least the first fraud potential indicator and the second fraud potential indicator. (Paragraphs 22 and 43 )

Torres et al. discloses the claimed invention except for “two fraud potential indicators”. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use two fraud potential indicators, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Torres et al. ('961) does not explicitly disclose determining a weighted combined fraud potential indicator that combines at least the first fraud potential indicator assessed using the first fraud technique and the second fraud potential indicator assessed using the second fraud technique, wherein, in combining the first fraud potential indicator and the second fraud potential indicator, the first fraud potential indicator is weighted differently from the second fraud potential indicator; and referring the request for review if the combined or weighted combined fraud potential indicator exceeds a threshold value, wherein the threshold value is adjusted to control

the number of requests with the weighted combined fraud potential indicator exceeding the threshold value.

Pendleton, Jr. ('186) discloses determining a weighted combined fraud potential indicator that combines at least the first fraud potential indicator assessed using the first fraud technique and the second fraud potential indicator assessed using the second fraud technique, wherein, in combining the first fraud potential indicator and the second fraud potential indicator, the first fraud potential indicator is weighted differently from the second fraud potential indicator; and referring the request for review if the combined or weighted combined fraud potential indicator exceeds a threshold value, wherein the threshold value is adjusted to control the number of requests with the weighted combined fraud potential indicator exceeding the threshold value. (column 7, lines 31-59) It would be obvious to one having ordinary skill in the art at the time of the invention to combine Torres et al. ('961)'s method with Pendleton, Jr. ('186)'s teaching in order to determine the rate of increase of fraudulent claims; furthermore the combination of these elements does not alter their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention..

Torres et al. ('961) does not explicitly disclose referring the request for review if the combined or weighted fraud potential indicator exceeds a threshold value wherein the threshold value is adjusted to control the number of requests with combined or weighted fraud potential indicator exceeding the threshold value. Pendleton, Jr. ('186) discloses referring the request for review if the combined or weighted fraud potential indicator exceeds a threshold value wherein the threshold value is adjusted to control the number of requests with combined or weighted

fraud potential indicator exceeding the threshold value. (column 7, lines 35-59) It would be obvious to one having ordinary skill in the art at the time of the invention to combine Torres et al. ('961)'s method with Pendleton, Jr. ('186)'s teaching in order to determine the rate of increase of fraudulent claims; furthermore the combination of these elements does not alter their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention..

Torres et al. ('961) does not explicitly disclose a request to a financial institution relating to a particular accident, a particular financial transaction, or a particular medical bill. Suresh et al. ('492)discloses a request to a financial institution relating to a particular accident, a particular financial transaction, or a particular medical bill. (Discussion of claim data, beginning on column 6, line 64) It would be obvious to one having ordinary skill in the art at the time of the invention to combine Torres et al. ('961)'s method with Suresh et al. ('492)'s teaching in order to only process claims relevant to a specific dispute.

Claims 76, 80, 134 and 162 are in parallel with claim 66 and are rejected for at least the same reasons.

As per claim 67,

Torres et al. ('961) discloses the method of claim 66,

wherein clicking on at least one fraud potential indicator for the at least one request will display information about the at least one request. (paragraph 47, figure 7)

As per claim 69,

Torres et al. ('961) discloses the method of claim 66, further comprising wherein at least one request is an insurance claim, and at least one insurance claim is organized into lists according to at least two of referred claims, assigned claims, or rejected claims, and wherein selecting a graphical component respective to at least one of a referred claims, desired claims, or rejected claims brings up a list of claims in the corresponding list.(Figure 9)

As per claim 70,  
Torres et al. ('961) discloses the method of claim 66, further comprising further comprising changing a criteria about which claims to display by selecting a filter graphical component. (Figure 8)

As per claim 71,  
Torres et al. ('961) discloses the method of claim 66, further comprising assigning at least one request by selecting an desired graphical component. (Figure 7)

As per claim 72,  
Torres et al. ('961) discloses the method of claim 66, further comprising rejecting at least one request by selecting a reject graphical component.(Figure 1)

As per claim 73,  
Torres et al. ('961) discloses the method of claim 66,

wherein at least one fraud potential detection technique comprises predictive modeling.(Paragraph 21)

Claims 77 and 81 are in parallel with claim 73 and are rejected for at least the same reasons.

As per claim 74,

Torres et al. ('961) discloses the method of claim 66,

Official Notice is taken that "at least one fraud potential detection technique comprises at least one identity search of insurance claim data" is common and well known in prior art in reference to fraud detection protocols. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use an identity search in order to expose any aliases that the claim filer may have used in the past.

Claims 78 and 82 are in parallel with claim 74 and are rejected for at least the same reasons.

As per claim 75,

Torres et al. ('961) discloses the method of claim 66,

wherein at least one fraud potential detection technique comprises assessing request data using at least one business rule(Paragraph 21).

Claims 79 and 83 are in parallel with claim 75 and are rejected for at least the same reasons.

As per claim 159,



Torres et al. ('961) discloses the method of claim 134, wherein at least one engine used to assign at least one of the first or second fraud potential indicators is a predictive modeling engine, and wherein displaying the score or rank for the first and second fraud potential indicator comprises displaying information on at least one match used by the business rules engine to assign the fraud potential indicator based on the business rule engine.. (Figures 7 and 8)

Torres et al. discloses the claimed invention except for "two fraud potential indicators". It would have been obvious to one having ordinary skill in the art at the time the invention was made to use two fraud potential indicators, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

As per claim 160,

Torres et al. ('961) discloses the method of claim 134, wherein at least one engine used to assign at least one of the first or second fraud potential indicators is a identity search engine, and wherein displaying the score or rank for the first and second fraud potential indicator comprises displaying information on at least one match used by the business rules engine to assign the fraud potential indicator based on the business rule engine.. (Figures 7 and 8)

Torres et al. discloses the claimed invention except for "two fraud potential indicators". It would have been obvious to one having ordinary skill in the art at the time the invention was made to use two fraud potential indicators, since it has been held that mere duplication of the

essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

As per claim 161,  
Torres et al. ('961) discloses the method of claim 134,  
wherein at least one engine used to assign at least one of the first or second fraud potential indicators is a business rule engine, and wherein displaying the score or rank for the first and second fraud potential indicator comprises displaying information on at least one match used by the business rules engine to assign the fraud potential indicator based on the business rule engine.. (Figures 7 and 8)

Torres et al. discloses the claimed invention except for “two fraud potential indicators”. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use two fraud potential indicators, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Claim 163 is parallel with claim 161 and is rejected for at least the same reasons.

### ***Response to Arguments***

The Applicants arguments filed on October 30, 2007 have been fully considered.

The amended claims are rejected in view of newly discovered reference Suresh et al. (US Patent 7, 263,492).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Winter whose telephone number is (571) 272-6713. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Winter/  
Examiner, Art Unit 3621

/Andrew J. Fischer/  
Supervisory Patent Examiner, Art Unit 3621